IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13874 of 2005

Between:

Sri Balaji Enterprises rep by the Proprietor, B.Karunakar Reddy
S/o.B.Pratap Reddy Flat No.302, 3rd Floor, Udaya Krishna Apartments, Bhagyanaga
KPHB, Kukatpally,, Hyderabad.

..... PETITIONER

AND

1 Serilingampally Municipality rep by the Commissioner, Serilingampally, Hyderabad.
2 Chair Person Serilingampally Municipality
Serilingampally Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ more appropriately a writ of mandamus to declare the action of the respondents in calling for fresh tenders vide tender notice No.E/1502/9/2005-06 dt.17.6.2005 issued by the 1st respondent as illegal, and set aside the same and further direct the respondents to consider the representation dt.15.6.2005 made by the petitioner for extension of contract period up to 31.3.2006 and pass such other order or orders which are deem fit and justice.

Counsel for the Petitioner: MR.K.RAJANNA

Counsel for the Respondent No.: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the action of the respondents in calling for fresh tenders vide tender notice No. E/1502/9/2005-6 dated 17.6.2005 issued by the first respondent as illegal and set aside the same and further direct the respondents to consider the representation dated 15.6.2005 made by the petitioner for extension of contract period up to 31.3.2006.

The brief facts of the case are that the petitioner's firm was allotted the supply order for supply of labor for maintenance of Manjeera water supply and Bore Wells for the year 2004-2005 by the first respondent vide his proceedings dated 1.6.2004. In pursuance of the said supply order, the petitioner's firm has engaged about 75 labourers as per the conditions of supply order by paying advance amounts to them for the period of one year. The petitioner's firm has also purchased tools for the said works which costs about 1,00,000/- per annum and it has been doing its best without any complaint, therefore, the respondents were pleased to extend the contract period for a period of three months form 1.4.2005 to 30.6.2005 promising that the

further period of nine months will also be extended from time to time. The petitioner made a representation to the first respondent on 15.6.2005 requesting them to extend the further period, keeping in view that the petitioner has re-engaged 75 labourers by paying advance amounts and also purchased new tools for the next financial year. But, unfortunately, the first respondent seems to have issued fresh tender notice vide tender notice dated 17.6.2005 calling for fresh tenders in respect of supply of water maintenance and supply of contract labourers for the year 2005-2006 without any notice to the petitioner and without considering the representation made by the petitioner on 15.6.2005. Hence, the present Writ Petition has been filed.

Considering the facts and circumstances, as the last date for opening of tenders is 04.07.2005, I deem it appropriate to dispose of the Writ Petition at the stage of admission with a direction to the respondents to pass appropriate orders on the representation made by the petitioner dated 15.6.2005, before the finalization of tenders, in accordance with law. No order as to costs.

_____

E. DHARMA RAO, J

DATED: 28/06/2005

ka

To

1 Serilingampally Municipality rep by the Commissioner, Serilingampally, Hyderabad.
2 Chair Person Serilingampally Municipality
Serilingampally Hyderabad.

3. Two CD copies.

4. 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)